

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION)	
OF KAVANAGH FISHERIES, INC.,)	
OWNER OF THE F/V ATLANTIC)	CIVIL ACTION NO. 05-10637-GAO
FOR EXONERATION FROM OR)	
LIMITATION OF LIABILITY)	

**PETITIONER, KAVANAGH FISHERIES, INC.'S OPPOSITION TO THE
PROVISIONAL MOTION OF KRONES, INC. FOR LEAVE TO FILE A CLAIM LATE**

The petitioner, Kavanagh Fisheries, Inc. (hereinafter the "petitioner" or "Kavanagh Fisheries"), by its attorneys, submit its Opposition to the Provisional Motion of Krones, Inc. for Leave to File a Claim Late. As grounds in support of such Opposition, the petitioner submits the following:

FACTS

The simple fact of the matter is that Krones' claim is over one year past the deadline imposed by the court not merely for the filing of claims (August 31, 2005) but also over one year from the court's Order of Default entered November 4, 2005. It wasn't until December 1, 2006 that Krones filed the instant motion.

On May 27, 2005, the court issued a Notice of Petition, directing petitioner to publish said notice in accordance with the Limitation of Liability Act, 46 U.S.C. App. §§ 183, et seq., and Rules F(4) and (5) of the Supplemental Rules for Certain Admiralty and Maritime Claims. The petitioner gave certified notice to the known claimants, i.e., the Zim entities and Lombard/Berryford on June 13, 2005 and June 14, 2005. The petitioner also published the Notice of Petition in the *New Bedford Standard Times* for four consecutive weeks as required by the rules beginning June 2, 2005. See Exhibit A, attached hereto.

The deadline for filing any claims was August 31, 2005. On September 22, 2005, the

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petitioner moved for the entry of a default and the court did, indeed, enter an Order of Default dated November 4, 2005. The court's order entered a default against all persons other than Zim and Lombard/Berryford. The court order also indicated that no further claims may be asserted against the Petitioner, which is exactly what Krones now seeks.

Because of the court's existing order, any claim by Krones is time barred and its motion should be denied.

LEGAL REASONING AND ARGUMENT

As stated above, on or about December 1, 2006, Krones, Inc. moved for leave from this Court to file a claim late in the amount of \$155,719.00. As cited by Krones, Inc in its Provisional Motion for Leave, Rule F of the Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims provides the framework for limitation of liability in instances such as this. Specifically, Rule F(5) provides that "[c]laims shall be filed and served on or before the date specified in the notice provided for in subdivision (4) [Notice to Claimants] of this rule." Contrary to the assertion made by Krones, Inc. in its interpretation of Rule F(4), Rule F(5), by its very language clearly does not provide for the late filing of claims as it states that these claims "shall be filed and served."

Furthermore, Rule F(4) states that only "[f]or cause shown, the court may enlarge the time within which claims may be filed." Additionally, Rule F(4) also includes a restriction that the date for filing claims in the notice "shall not be less than 30 days after the issuance of the notice." The requirement under Rule F(4) that cause be shown does not in any way modify the requirements of Rule F(5) clearing providing that "[c]laims shall be filed and served on or before the date specified in the notice provided for in subdivision (4)."

In Krones, Inc.'s Provisional Motion for Leave, it states that if a claimant shows cause,

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courts must grant permission to file late claims so long as the limitation proceeding is ongoing and the late claim will not prejudice other parties. In stating such, Krones, Inc. cites the case of American Commercial Lines, Inc. v. United States, in which decision the U.S. Court of Appeals for the Eighth Circuit ruled to affirm the District Court's finding that a late claim not be allowed because after weighing the dueling considerations of "cause" and of "prejudice," it was decided that those parties opposing the late filing would have been prejudiced had the late claim been filed. American Commercial Lines, Inc. v. United States, 746 F.2d 1351, 1353-54 (1984).

Additionally, Krones, Inc. cites to the Alter Barge Line, Inc. v. Consolidated Grain & Barge Co. case decided by the U.S. Court of Appeals for the Seventh Circuit in which the Court candidly states that they "limit [their] holding to the facts of this case" in ruling that "late claimants in admiralty proceedings need not show 'good cause.'" Alter Barge Line, Inc. v. Consolidated Grain & Barge Co., 272 F.3d 396, 397-98 (7th Cir. 2001). As such, the Alter Barge Court acknowledges that its ruling is appropriate only in the facts of the Alter Barge case and clearly did not intend for its reasoning to be used in future cases. Id. Assuming even that the Alter Barge reasoning applies to the facts-at-bar, Krones, Inc. is still obligated to provide "an explanation . . . for the delay" and do not escape any and all requirements to explain such a delay. Id. Furthermore, Krones, Inc. must still adhere to the guidelines set forth on filing and serving claims, as provided in Rule F(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims

CONCLUSION

WHEREFORE, for the reasons stated above, the petitioner, Kavanagh Fisheries, Inc. hereby requests that this Court deny the Provisional Motion of Krones, Inc. for Leave to File a Claim Late.

-4-

For the Petitioner,
Kavanagh Fisheries, Inc.,
By its attorneys,

REGAN & KIELY LLP

/s/ Joseph A. Regan
Joseph A. Regan, Esquire (BBO #543504)
88 Black Falcon Avenue, Suite 330
Boston, MA 02210
(617)723-0901
jar@regankiely.com

Dated: December 15, 2006

REGAN & KIELY LLP
85 DEVONSHIRE STREET
BOSTON, MA 02109
(Telephone (617) 723-0901)
(Facsimile No. (617) 723-0977)

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SAS/cb

Enclosure

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10637-GAO

IN THE MATTER OF THE PETITION OF
KAVANAUGH FISHERIES, INC., OWNER OF THE F/V ATLANTIC,
FOR EXONERATION FROM OR LIMITATION OF LIABILITY

NOTICE OF PETITION FOR EXONERATION
FROM OR LIMITATION OF LIABILITY

Notice is hereby given that Kavanagh Fisheries, Inc., owner of the F/V Atlantic, has filed a complaint, pursuant to Sections 4283 through 4289 inclusive of the Revised Statutes of the United States, 46 U.S.C. app. § 183 et seq., claiming the right to exoneration from and/or limitation of liability for all claims and for any loss, damage, injury or destruction caused by or resulting from the collision involving the F/V Atlantic during its voyage which commenced on March 13, 2005 at Cape May, New Jersey and which terminated upon the collision which occurred on March 17, 2005, as described in the complaint.

All persons having such claims must file them, under oath, as provided by Rules F(4) and (5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, with the Clerk of this Court at the United States District Court, One Courthouse Way, Suite 2300, Boston, Massachusetts 02210, and serve a copy thereof on the plaintiff's attorneys, Regan & Kiely LLP, 85 Devonshire Street, Boston, Massachusetts 02109, on or before August 31, 2005, or be defaulted. Personal attendance is not required.

If any claimant desires to contest either the right to exoneration from or the right to limitation of liability, the claimant shall file and serve on the attorneys for the plaintiff an answer to the complaint on or before the aforesaid date unless the claim has included an answer, so designated, or be defaulted.

SARAH A. THORNTON
CLERK OF COURT

May 27, 2005
DATE

/s/ Eugenia Edge
DEPUTY CLERK

Page C6 / The Standard-Times, New Bedford, MA, Tuesday, June 7, 2005

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Commonwealth of Massachusetts The Trial Court Probate and Family Court Department

Bristol Division Docket No. 03P1194QI

NOTICE OF GUARDIAN'S ACCOUNT

To all persons interested in the estate of ARTHUR PONTES of NEW BEDFORD in the county of BRISTOL, a mentally

person

person

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DEPARTMENT OF ENVIRONMENTAL PROTECTION Waterways Regulation Program

Notice of License Application pursuant to M.G.L. Chapter 91

Waterways License Application Number W05-1294VTM# W059026

City of New Bedford

Notification Date: June 7, 2005

Public notice is hereby given of the Waterways

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LEGAL ADVERTISEMENT The New Bedford Planning Board will hold an advertised public hearing on

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Plan Review for the following project:

Proposed addition to existing structure, Plat 24, Lot 1 & 291 Proponent: C&M

Floor Covering, 474 Cr.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION Waterways Regulation Program

Notice of License Application pursuant to M.G.L. Chapter 91

Waterways License Application Number W05-1301# W051745

Mischaum Point Association

Notification Date:

Notification Date:

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Commonwealth of Massachusetts The Trial Court Probate and Family Court Department

Bristol Division Docket No. 03P1194QI

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LEGAL ADVERTISEMENT
The New Bedford Planning Board will hold an advertised public hearing on **Wednesday, June 15, 2005** at 6:00 p.m. in Room 314, City Hall, 133 William Street, New Bedford, Massachusetts to conduct Site Plan Review for the following project:
Proposed addition to existing structure, Plat 24, Lot 1 & 291 Proponent: C&M Floor Covering, 474 Orchard Street, New Bedford, MA 02740
Plans are available for review at the Planning Board Office, 133 William Street, Room 312, New Bedford, Massachusetts 02740; (508-979-1488) between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday.
May 31, June 7

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
Waterways Regulation Program
Notice of License Application pursuant to M.G.L. Chapter 91 Waterways License Application Number W05-1301# W051745
Misham Point Association

Notification Date: June 7, 2005
Public notice is hereby given of the Waterways application by the Misham Point Association to construct and maintain an expanded float system with associated piles and existing mooring pile, off of Misham Point Road, lot 27-2, in the municipality of Dartmouth in and over flowed tidelands of Buzzard Bay. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received by within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508)946-2734. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below. Written comments must be addressed to: Mitch Ziencina, Environmental Analyst, DEP Wetlands and Waterways Program, 20 Riverside Drive, Lakeville, MA 02347.
June 7

LEGAL NOTICE

Notice of sale under Chapter 255-39A, to be sold at public auction on June 23, 2005, at Johnny's Auto Body, 783 State Rd., No. Dartmouth at 9:00 a.m. to satisfy tow & storage charges.

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June 7, 14, 21

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Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department
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Docket No. 05D0257-DV1
Divorce/Separate Support
Summons By Publication
Marilyn Gonsalves of New Bedford, Plaintiff v. **Robert B. Gonsalves** of Parts Unknown, Defendant
To the above named Defendant

A Complaint has been presented to this Court by the Plaintiff, Marilyn Gonsalves, seeking a judgment for divorce.
An Automatic Restraining Order has been entered in this matter preventing you from taking any action which would negatively impact the current financial status of either party.
Please refer to Supplemental Probate Court Rule 411 for more information.
You are required to serve upon **Joseph P. Harrington, Esq.**, attorney for plaintiff - whose address is 190 William Street, New Bedford, MA 02740 your answer on or before August 26, 2005. If you fail to do so, the court will proceed to the hearing and adjudication of this action.
You are also required to file a copy of your answer in the office of the Register of this Court at Taunton.
Witness, Elizabeth O'Neill LaStaiti, Esquire, First Justice of said Court at Taunton, this 25th day of May, 2005.

Robert E. Peck
Register of Probate Court
June 7, 14, 21

PUBLIC NOTICE MEETING OF THE MASSACHUSETTS SCHOONER ERNESTINA COMMISSION

Thursday, June 9, 2005, 5:00 p.m., at the Schooner Ernestina Commission Office, 89 N. Water St., New Bedford, MA. The meeting is open to the public. For further information, call the Commission office at 508-992-4900.
June 7

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Legals

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department
Bristol Division
Docket No. 02P1209GI
NOTICE OF

GUARDIAN'S ACCOUNT
To all persons interested in the estate of **MAMIE WILSON of NEW BEDFORD** in the county of **BRISTOL**, a mentally ill person, now deceased
You are hereby notified pursuant to Mass. R. Civ. P. Rule 72 that the **FIRST AND FINAL account of FAMILY SERVICE ASSOCIATION OF GREATER FALL RIVER, INC., as GUARDIAN** of said **MAMIE WILSON**, a mentally ill person, now deceased has been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account, you or your attorney must file a written appearance in said court at Taunton on or before the seventeenth day of June, 2005, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account. If you desire to object to any item of said account, you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R. Civ. P. Rule 5. **WITNESS**, Hon. Elizabeth O'Neill LaStaiti, ESQUIRE, First Justice of said Court at Taunton this twenty-fifth day of April, 2005.
Robert E. Peck
Register of Probate
June 7

Public Notice
JCAHO will be visiting Gentiva Health Services at 125 Hartwell Street, Fall River, MA on July 12-15, 2005.

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Survey Operations and Support Joint Commission on Accreditation of Healthcare Organizations
One Renaissance Blvd.
Oakbrook, IL 60181
June 7

101 Announcements
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UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS CIVIL ACTION NO. 05-10637-GAO
IN THE MATTER OF THE PETITION OF KAVANAUGH FISHERIES, INC., OWNER OF THE F/V ATLANTIC, FOR EXONERATION FROM OR LIMITATION OF LIABILITY NOTICE OF PETITION FOR EXONERATION FROM OR LIMITATION OF LIABILITY

Notice is hereby given that Kavanagh Fisheries, Inc., owner of the F/V Atlantic, has filed a complaint, pursuant to Sections 4283 through 4289 inclusive of the Revised Statutes of the United States, 46 U.S.C. app. §183 et seq., claiming the right to exoneration from and/or limitation of liability for all claims and for any loss, damage, injury or destruction caused by or resulting from the collision involving the F/V Atlantic during its voyage which commenced on March 13, 2005 at Cape May, New Jersey and which terminated upon the collision which occurred on March 17, 2005, as described in the complaint.

All persons having such claims must file them, under oath, as provided by Rules F(4) and (5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, with the Clerk of this Court at the United States District Court, One Courthouse Way, Suite 2300, Boston, Massachusetts 02210, and serve a copy thereof on the plaintiff's attorneys, Regan & Kiely, LLP, 85 Devonshire Street, Boston, Massachusetts 02109, on or before August 31, 2005, or be defaulted. Personal attendance is not required. If any claimant desires to contest either the right to exoneration from or the right to limitation of liability, the claimant shall file and serve on the attorneys for the plaintiff an answer to the complaint on or before the aforesaid date unless the claim has included an answer, so designated, or be defaulted.

SARAH A. THORNTON
CLERK OF COURT
DATE May 27, 2005
s/s Eugenia Edge
DEPUTY CLERK
June 7, 14, 21, 28

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The Standard-Times, New Bedford, MA, Tuesday, June 14, 2005 / Page C7

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Legals

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS CIVIL ACTION NO. 05-10637-GAO IN THE MATTER OF THE PETITION OF KAVANAUGH FISHERIES, INC., OWNER OF THE F/V ATLANTIC, FOR EXONERATION FROM OR LIMITATION OF LIABILITY NOTICE OF PETITION FOR EXONERATION FROM OR LIMITATION OF LIABILITY

Notice is hereby given that Kavanaugh Fisheries, Inc., owner of the F/V Atlantic, has filed a complaint, pursuant to Sections 4283 through 4289 inclusive of the Revised Statutes of the United States, 46 U.S.C. app. §183 et seq., claiming the right to exoneration from and/or limitation of liability for all claims and for any loss, damage, injury or destruction caused by or resulting from the collision involving the F/V Atlantic during its voyage which commenced on March 13, 2005 at Cape May, New Jersey and which terminated upon the collision which occurred on March 17, 2005, as described in the complaint.

All persons having such claims must file them, under oath, as provided by Rules F(4) and (5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, with the Clerk of this Court at the United States District Court, One Courthouse Way, Suite 2300, Boston, Massachusetts 02210, and serve a copy thereof on the plaintiff's attorneys, Regan & Kiely, LLP, 85 Devonshire Street, Boston, Massachusetts 02109, on or before August 31, 2005, or be defaulted. Personal attendance is not required.

If any claimant desires to contest either the right to exoneration from or the right to limitation of liability, the claimant shall file and serve on the attorneys for the plaintiff an answer to the complaint on or before the aforesaid date unless the claim has included an answer, so designated, or be defaulted.

SARAH A. THORNTON
CLERK OF COURT
DATE May 27, 2005
Eugenia Edge
DEPUTY CLERK
June 7, 14, 21, 28

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Legals**LEGAL NOTICE****MORTGAGEE'S SALE****OF REAL ESTATE**

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by Karen L. Linhares aka Karen Linhares to Ameriquest Mortgage Company, dated January 24, 2004 and recorded with Bristol County (Southern District) Registry of Deeds in Book 6825, Page 334 of which mortgage Ameriquest Mortgage Company is the present holder for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at 216 Dartmouth Street, New Bedford, Massachusetts will be sold at a Public Auction at 3:00 P.M. on June 28, 2005, at the mortgaged premises, more particularly described below, all and singular the premises described in said mortgage, to wit:

THE LAND WITH THE BUILDINGS THEREON, IN THE NEW BEDFORD, BRISTOL COUNTY, COMMONWEALTH OF MASSACHUSETTS, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE LAND HEREIN DESCRIBED AT A POINT FORMED BY THE INTERSECTION OF THE SOUTHERLY LINE OF THOMPSON STREET WITH THE EASTERLY LINE OF DARTMOUTH STREET; THENCE EASTERLY IN THE SAID SOUTHERLY LINE OF THOMPSON STREET, ONE HUNDRED (100) FEET TO LAND NOW OR FORMERLY OF JOHN W. JONES; THENCE SOUTHERLY IN LINE OF THE LAST-NAMED LAND, TWENTY-NINE (29) FEET TO LAND NOW OR FORMERLY OF ANNA HANSON; THENCE WESTERLY IN LINE OF LAST-NAMED LAND, ONE HUNDRED (100) FEET TO THE SAID EASTERLY LINE OF DARTMOUTH STREET, AND THENCE NORTHERLY IN THE SAID EASTERLY

LINE OF DARTMOUTH STREET TO THE SAID SOUTHERLY LINE OF THOMPSON STREET AND THE POINT OF BEGINNING CONTAINING TEN AND 65/100 (10.65) SQUARE RODS; MORE OR LESS SUBJECT TO THE 1994 FISCAL YEAR REAL ESTATE TAXES WHICH THE GRANTEE ASSUMES AND AGREE TO PAY APN: 28-43

For mortgagor's title see deed recorded with the Bristol County (Southern District) Registry of Deeds in Book 3324, Page 305. The premises will be sold subject to any and all unpaid taxes and other municipal assessments and liens, and subject to prior liens or other enforceable encumbrances of record entitled to precedence over this mortgage, and subject to and with the benefit of all easements, restrictions, reservations and conditions of record and subject to all tenancies and/or rights of parties in possession.

Terms of the Sale: Cash, cashier's or certified check in the sum of \$5,000.00 as a deposit must be shown at the time and place of the sale in order to qualify as a bidder (the mortgage holder and its designee(s) are exempt from this requirement); high bidder to sign written Memorandum of Sale upon acceptance of bid; balance of purchase price payable in cash or current funds in thirty (30) days from the date of the sale at the offices of mortgagee's attorney, Korde & Associates, P.C., 321 Billerica Road, Suite 210, Chelmsford, MA 01824-4100, c/o Sanjit S. Korde or such other time as may be designated by mortgagee. Other terms to be announced at the sale.

Ameriquest Mortgage Company, present holder of said mortgage, by its attorney Sanjit S. Korde Korde & Associates, P.C. 321 Billerica Road, Suite 210 Chelmsford, MA 01824-4100 (978)256-1500 June 7, 14, 21

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LEGAL NOTICE

Notice of sale under Chapter 255-39A, to be sold at public auction on June 23, 2005, at Johnny's Auto Body, 783 State Rd., No. Dartmouth at 9:00 a.m. to satisfy tow & storage charges.

2001 Mitsubishi Mirage
VIN#JA3AY26C11U049713
June 7, 14, 21

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Legals**NOTICE OF****MORTGAGEE'S SALE****OF REAL ESTATE**

By virtue of and in execution of the Power of Sale contained in a certain mortgage (the "Mortgage") given by Alan D. Kosinski, Trustee of Guardian Realty Trust to Hamilton Investments, LLC dated July 15, 2004 recorded at Bristol County (Southern District) Registry of Deeds at Book 7071, Page 262, of which Mortgage the undersigned is the present holder, for breach of the conditions of the Mortgage and for the purpose of foreclosing upon the real estate subject to the Mortgage, the same will be sold at Public Auction at 11:00 o'clock a.m. on the 29th day of June, 2005, at the mortgaged premises, being known as 12 Nye Street, New Bedford, Bristol County, MA, all and singular the premises described in the Mortgage, To wit:

All that certain parcel of land with the buildings thereon situated at 12 Nye Street, New Bedford, MA 02740 and more particularly described as follows: Parcel One: Beginning at the northeast corner of the land herein described at a point in the south line of Nye Street, distant westerly therein one hundred ten (110) feet from the west line of Belleville Avenue, said point being the northwest corner of land now or formerly of one Fredette; Thence SOUTHERLY by last-named land, one hundred (100) feet to land now or formerly of A.C. Boucher; Thence WESTERLY by last-named land now or formerly of Pierce and Bullard forty-three and 90/100 (43.90) feet to land now or formerly of Willard Nye; Thence NORTHERLY in line of last-named land, one hundred (100) feet to the said south line of Nye Street; and Thence EASTERLY in the said south line of Nye Street, forty three and 90/100 (43.90) feet to the point of beginning. Containing sixteen and 12/100 (16.12) square rods, more or less.

Parcel Two: Beginning at the northeast corner of the land herein described at a point in the south line of Nye Street, distant westerly therein one hundred ten (110) feet from the west line of Belleville Avenue, said point being the northwest corner of land now or formerly of one Fredette; Thence SOUTHERLY by last-named land, one hundred (100) feet to land now or formerly of A.C. Boucher; Thence WESTERLY by last-named land now or formerly of Pierce and Bullard forty-three and 90/100 (43.90) feet to land now or formerly of Willard Nye; Thence NORTHERLY in line of last-named land, one hundred (100) feet to the said south line of Nye Street; and Thence EASTERLY in the said south line of Nye Street, forty three and 90/100 (43.90) feet to the point of beginning. Containing sixteen and 12/100 (16.12) square rods, more or less.

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All that certain parcel of land with the buildings thereon situated at 12 Nye Street, New Bedford, MA 02740 and more particularly described as follows: Parcel One: Beginning at the northeast corner of the land herein described at a point in the south line of Nye Street, distant westerly therein one hundred ten (110) feet from the west line of Belleville Avenue, said point being the northwest corner of land now or formerly of one Fredette; Thence SOUTHERLY by last-named land, one hundred (100) feet to land now or formerly of A.C. Boucher; Thence WESTERLY by last-named land now or formerly of Pierce and Bullard forty-three and 90/100 (43.90) feet to land now or formerly of Willard Nye; Thence NORTHERLY in line of last-named land, one hundred (100) feet to the said south line of Nye Street; and Thence EASTERLY in the said south line of Nye Street, forty three and 90/100 (43.90) feet to the point of beginning. Containing sixteen and 12/100 (16.12) square rods, more or less.

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Legals**Containing 4,****feet, more or less****Title Reference**

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R. Paul Fax

288 Walnut

Suite 500

Newton, MA

Dated: May

May 31, Jur